



Legislation Details (With Text)

**File #:** 82222      **Version:** 1      **Name:** Animal Bite Restraint  
**Type:** Ordinance      **Status:** Passed  
**File created:** 2/23/2024      **In control:** Attorney's Office  
**On agenda:** 4/16/2024      **Final action:** 4/16/2024  
**Enactment date:** 4/27/2024      **Enactment #:** ORD-24-00025

**Title:** Amending Section 23.35 of the Madison General Ordinances related to animals that cause injury and requiring them to be restrained at all times.

**Sponsors:** Tag Evers, Dina Nina Martinez-Rutherford, Charles Myadze

**Indexes:**

**Code sections:**

**Attachments:** ,

Date	Ver.	Action By	Action	Result
4/16/2024	1	COMMON COUNCIL	Adopt	Pass
4/3/2024	1	BOARD OF HEALTH FOR MADISON AND DANE COUNTY	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
3/5/2024	1	COMMON COUNCIL	Refer For Public Hearing	Pass
2/23/2024	1	Attorney's Office	Referred for Introduction	

**Fiscal Note**

No additional fees will be collected as a result of this change. The Department anticipates there may be some additional work due to performing a compliance inspection on these orders. This may amount to approximately \$3,000 which will be absorbed within existing resources.

**Title**

Amending Section 23.35 of the Madison General Ordinances related to animals that cause injury and requiring them to be restrained at all times.

**Body**

DRAFTER'S ANALYSIS: This ordinance adds requirements for any owner of an animal that bites or injures a person or another animal off property. The amendment requires that when any animal is off the owner's property that they be muzzled and attached to a leash no longer than four feet in length. The amendment further requires that when the animal is on property it must be supervised and physically restrained at all times. It permits an owner to place the animal in a secure structure and specifies what that entails.

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The Common Council of the City of Madison do hereby ordain as follows:

1. Section 23.35 entitled "Permitting Animal to Cause Injury" of the Madison General Ordinances is amended as follows:

**"23.35 - PERMITTING ANIMAL TO CAUSE INJURY**

- (1) An animal who is off the property of its owner or custodian may not attack, bite or otherwise injure:
  - (a) Any other animal or
  - (b) Any person who is engaged in a lawful activity.

- (2) Any person who owns or is the custodian of an animal that violates Section (1) shall immediately comply with the following:
- (a) The animal while off the property where kept, shall be muzzled and leashed at all times. The muzzle must be made in a manner that will not cause injury to the animal but that will prevent it from biting any person or animal. The leash shall be attached to a secure collar that is of sufficient strength to restrain the animal. The leash shall be no longer than four (4) feet in length total and must be secured by and under the direct control and supervision of a competent adult.
  - (b) When outside but still on the property of the owner or caretaker, the animal must be supervised by a competent adult and physically restrained at all times to prevent the animal from leaving the property. An electronic fence or an electronic collar are not considered to be a physical restraint. If the Madison and Dane County Public Health Department determines that the animal may be kept in a secure kennel or pen, hereinafter referred to as "structure", and not under the direct supervision of an adult, the Madison and Dane County Public Health Department may require that the structure be constructed under some or all of the following guidelines:
    - 1. The structure shall be constructed of strong metal fencing to prevent the animal from exiting on its own volition.
    - 2. The structure shall be secure on all sides and have a secure top attached.
    - 3. The structure shall have a secure bottom or floor attached to the sides of the structure or the sides of the structure shall be embedded in the ground no less than two (2) feet.
    - 4. The structure shall be kept locked at all times with a key or combination lock.
    - 5. The structure shall provide adequate light, ventilation and shelter from the environment for the animal.
    - 6. The structure shall be maintained in a clean and sanitary condition.
    - 7. The structure must be in compliance with all other building and zoning ordinances.
- (23) Any person who owns or is the custodian of an animal that violates this ordinance ~~Section (1)~~ shall be deemed to have permitted said violation and shall upon conviction be subject to a forfeiture of not more than five hundred dollars (\$500).”